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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/942,264      10/01/97      BOUCHER      G      E-679

TM31/1101

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EXAMINER

PARDO, T

ART UNIT

PAPER NUMBER

2171

DATE MAILED:

11/01/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

# Office Action Summary

Application No.  
08/942,264

Applicant(s)

Boucher et al.

Examiner

Thuy Pardo

Group Art Unit  
2171



☒ Responsive to communication(s) filed on Aug 22, 1900

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

1. Applicant's Amendment filed on August 22, 2000 in response to Examiner's Office Action has been reviewed.
2. Claims 1-10 are presented for examination.
3. The text of those sections of Title 35, U.S. Code § 103 not included in this action can be found in a prior Office Action.
4. Claims 1-10 are rejected under 35 U.S.C. § 103 as being unpatentable over **Carroll et al.** (Carroll) patent no. 5,293,310, in view of **Owens et al.** (Owens) patent no. 6,047,267.
5. Carroll and Owens were cited as prior art in the last office action. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action.

### ***Response to Arguments***

6. (A) Applicant argues that prior art does not teach the limitation of "uploading a set of data from the client data processing system to the host data processing system".

As to point (A), Examiner respectfully disagrees. Examiner believes that this feature was taught by Carroll. Carroll teaches the same functionality corresponding to a data rating in a carrier management system. Moreover, Carroll also teaches that when the application is completed at the

user station 10, it will be forwarded to the data center 14 for processing [see fig. 1, and col. 6, lines 57-68].

(B) Applicant argues that Carroll does not teach updating a set of data objects.

As to point (B), Examiner respectfully disagrees. Carroll teaches updating data contained in the order form 18 in the data center 14 into a appropriate update format before sending back to the user station 10 [col. 7, lines 3-30].

(C ) Applicant argues that Carroll does not teach an object-oriented environment.

As to point (C ), Examiner respectfully disagrees. In the Previous Office Action, Examiner admits that the Carroll does not explicitly teach an object-oriented environment although it has the same functionality of processing data in a carrier management system. However, Owens reference teaches forwarding an object-oriented application from the client 101 to the object server 105 [see fig. 3]. The object server then generates appropriate tables and columns for a relational database scheme automatically [see the abstract].

(D) Applicant argue that there is no motivation to combine the references.

As to point (D), Examiner respectfully disagrees. Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Carroll and Owens refer to handling logistic

applications in a client-server data processing system [see the fig. 1 of Carroll and fig. 3 of Owens, and the abstracts].

7. Applicant's arguments have been fully considered but they are not deemed to be persuasive.

### *Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black, can be reached at (703) 305-9707. The fax phone number for this Group is (703) 308-6306.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

10. **Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

(703) 308-5359, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA.,  
Sixth Floor (Receptionist).



Thuy Pardo  
October 26, 2000



WAYNE AMSBURY  
PRIMARY PATENT EXAMINER